HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

WP M/S No. 868/06
Smt. Hema Ghughtyal,
Vs
State of Uttaranchal & others

Approve for reporting.

_____

~~Not approved for reporting~~

Date of decision 7.7.2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 868 (MS) OF 2006

Smt. Hema Ghughtyal,
W/o Shri Bhawn Singh Ghughatyal,
R/o West Rajeev Nagar, Goranala, Binukhatta,
District-Nainital .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary, Department of Education, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. Principal District Educational Training Institute, Bhimtal, District-Nainital.
4. National Council for Teacher Education, through its Secretary, Hans Bhawan Wing II Bahadur Sah Jaffar Marg, New Delhi. .....Respondents.

Mr. R.S. Rawat, Advocate for the petitioner.
Standing Counsel for the respondents no. 1 to 3.
Sri Sudhir Singh, Advocate for the respondent no. 4.

Dated: 07.07.2006

Hon'ble Rajesh Tandon, J.

Heard counsel for both the parties at length.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to treat the qualification of Shiksha Visharad from Hindi Sahitya Sammelan as equivalent to B.Ed. Hindi and consider the candidature of the petitioners for appointment in the Special B.T.C.

Briefly stated, according to the case of the petitioner, after post-graduation he has obtained Shiksha Visharad from Hindi Sahitya Sammellan Allahabad in the year 2002 as will appear from the copy of the mark-sheet. National Council for Teachers Education, 1993 was enforced from after 1st July, 1995. The degree of Hindi Sahitya Sammellan as a 'Shiksha Visharad' having been obtained after 1st July, 1995, when the National Council for Teachers Education Act, 1993 was in operation cannot be recognized.

Petitioner is resident of Uttaranchal as will appear from their certificates annexed by as one of the essential qualifications in accordance with the advertisement issued for the appointment in the Special B.T.C.

Counsel for the respondent has submitted that institution must be recognized from the National Counsel for Teacher Education (N.C.T.E.) and the candidates having obtained degree from those Institutions shall be considered to be eligible only.

As will appear from the degree obtained from the Hindi Sahitya Sammellan, Allahabad, the degree has been given as a Shiksha Visharad and the following endorsement has been made:-

"हिन्दी साहित्य सम्मेलन शिक्षा विशारद की उपाधि और उसके प्रमाण में यह उपाधिपत्र प्रदान करता है।"

A perusal of the one of the advertisements shows as under:-

"सर्वसाधारण को सूचित किया जाता है कि जनपद के मूल निवास/स्थाई प्रमाण पत्र धारक अभ्यर्थी से 6 मा के विशिष्ट बी0टी0सी0 प्रशिक्षण के लिए जनपद हेतु अभ्यर्थियों के चय के लिए आवेदन पत्र आमंत्रित किए जाते हैं। इस विज्ञप्ति के अनुकम

में आवेदन करने वाले अभ्यर्थियों जो निर्धारित अर्हता रखते हैं तथा जिनके आवेदन पत्र इस कार्यालय में दिनांक 9.9.2004 की सांय 5.00 बजे तक प्राप्त होंगे उन्हीं पर विचार किया जायेगा।

अभ्यर्थी को जनपद का मूल निवासी/स्थाई निवासी होना अनिवार्य है। यदि किसी अभ्यर्थी द्वारा अपने गृह जनपद से अतिरिक्त किसी अन्य जनपद के लिए आवेदन किया जाता है तो उसका आवेदन निरस्त किया जाएगा। मूल निवास/स्थाई निवास प्रमाण पत्र किसी सक्षम अधिकारी (जिला मजिस्ट्रेट अथवा राजस्व मजिस्ट्रेट) द्वारा प्रदत्त मान्य होगा, जिसकी सत्य प्रतिलिपि संलग्न करना अनिवार्य है। आवेदन पंजीकृत डाक से संबंधित जनपद के प्राचार्य डायट (जिला शिक्षा एवं प्रशिक्षण संस्थान) के पद नाम से प्रेषित करना होगा।

जनपद नैनीताल के लिए रिक्त पदों की संख्या 150 तथा जनपद ऊधमसिंहनगर के लिए रिक्त पदों की संख्या 300 है जो स्थिति के अनुसार घट बढ़ सकती है। चयन हेतु निर्दिष्ट संख्या के 50 प्रतिशत पर विज्ञान वर्ग (भौतिक/रसायन/जन्तु विज्ञान/वनस्पति विज्ञान एवं गणित विषयों में कोई दो विषय स्नातक स्तर से होने अनिवार्य हैं) के अभ्यर्थियों को एवं 50 प्रतिशत पर उक्त से अन्य योग्यताधारी अभ्यर्थियों का चयन किया जाएगा। चयन प्रशिक्षण के वर्षानुक्रम में किया जाएगा अर्थात पूर्व प्रशिक्षण एवं वर्ष की वरीयता दी जाएगी। चयन के लिए अभ्यर्थयों को शैक्षिक, प्रशिक्षण व खेलकूद आदि/एन0सी0सी0 के निर्धारित कुल गुणवत्ता अंकों के योग प्राप्तांक के आधार पर वर्षवार मेरिट बनाई जाएगी।

<u>प्रशिक्षण</u> इस हेतु उत्तरांचल/उत्तरप्रदेश की मान्यता प्राप्त संस्था द्वारा संस्थागत परीक्षार्थियों के रूप में बी0एड0/एल0टी0 अथवा पत्राचार के माध्यम से बी0एड0 हेतु मान्यता प्राप्त विश्वविद्यालय से बी0एड0 उत्तीर्ण किया गया हो। जिन्हेाने संस्कृत विश्वविद्यालय से शिक्षा शास्त्री की परीक्षा संस्थागत परीक्षार्थी के रूप में उत्तीर्ण की हो वे भी अर्ह होंगे। उत्तर प्रदेश सरकार द्वारा मान्यता प्राप्त ऐसी संस्थाओं जो राष्ट्रीय अध्यापक प्रशिक्षण परिषद द्वारा मान्यता प्राप्त हों, से शारीरिक शिक्षा प्रशिक्षण यथा बी0पी0एड0, डी0पी0एड0, सी0पी0एड0 अभ्यर्थी भी अर्ह समझे जाएंगे। इसके सम्बन्ध में उत्तरप्रदेश शासन द्वारा मान्य की गई अवधि (वर्ष 1997) तक के मान्य की गई संस्थाओं से उत्तीर्ण संस्थागत अभ्यर्थियों को ही अर्ह समझा जाएगा।"

According to the Hindi Sahitya Sammellan, the degree of Shiksha Visharad has been treated to be equivalent to B.Ed and as such the petitioner has submitted that he is entitled for the appointment in Special B.T.C. as advertised by the respondents from time to time.

Counsel for the petitioner has also referred the judgment of ***Nirmal Rani Vs. State of U.P. and others [2000 (1) E.S.C. 187 (All.)],*** where the Allahabad High Court has held that Shiksha Visharad has been recognized to be equivalent to B.Ed. Paragraph 3 is quoted below:-

> *"3. Petitioner has passed High School and Intermediate Examinations of U.P. Board, Allahabad'. She also passed 'Madhyama' (Intermediate level), Sahitya Ratna (B.A. Level) as well as Shiksha Visharad Examinations, (said to be equivalent to B.Ed.) Teaching Training Course from Hindi Sahitya Sammelan, Allahabad. Petitioner has filed certain documents (as Annexure-1, II and III to the writ petition) to show that Shiksha Visharad of Hindi Sahitya Sammelan is recognized as equivalent to B.Ed/Trained Teacher."*

On the contrary, Standing Counsel has relied upon the judgment of ***Shailendra Kumar Singh Vs. State of U.P. and others reported in 2004 (2) U.P.L.E.B.C. Page 1716,*** where in paragraph no. 7 it has been stated that the University Grants Commission has invited the degree of Shiksha Visharad at Serial No. 56 in the list of degree obtained by the Hindi Sahitya Sammellan. Paragraph no. 7 is quoted below:-

"7. The University Grants Commission has notified the degree of Shiksha Visharad at Serial No. 56, presently at Serial No. 135 vide notification No. F-1-52/97 (CPP-II), dated 21st August, 2003, in the list of degrees recognized by it.

Therefore, the degree of Shiksha Visharad conferred by the Hindi Sahitya Sammellan, Allahabad is one of the degrees recognized by the University Grants Commission."

However, in paragraph no. 9, it has been stated that the Government of India in order to maintain standards and plain growth of teachers training institution in the country passed the Act known as National Council for Teacher Education in the year, 1993. Section 14 of the Act provides for recognition of the Institution. Section 14 is quoted below:-

"14. Recognition of Institution Offering course or training in teacher education. *–(1) Every institution offering or intending to offer a course of training in teacher education on or after the appointed day may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations;*

Provided that an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an application for recognition within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application by the Regional Committee form any institution under sub-section 91), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall,--

(a) if it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that ift fulfils such other conditions required for proper functioning

of the institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution, subject to such conditions as may be determined by regulations; or

(b) if it is of the opinion that such institution does not fulfil the requirements laid down ion sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing;

Provided that before passing an order under sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation.

(4) Every order granting or refusing recognition to an institution for a course or training teacher education under sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the local authority or the State Government and the Central Government.

(5) Every institution, in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under clause (b) of sub-section (3),

Every examining body shall, on receipt of the order under sub-section (4),--

"(a) grant affiliation to the institution, where recognition has been granted; or

(b) cancel the affiliation of the institution, where recognition has been refused."

Section 14(3) (b) provides that if it is of the opinion that such institution does not fulfil the requirements laid down ion sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing provided that before passing an order under sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation.

Section 15 provides the requirement of obtaining permission. The said section is quoted below:-

"15. Permission for a new course or training by recognized institution.---*(1) Where any recognized institution intends to start any new course or training in teacher education, it may make an application to seek permission therefore to the Regional Committee concerned in such form and in such manner as may be determined by regulations.*

(2) The fees to be paid along with the application under sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application from an institution under sub-section (1), and after obtaining from the recognized institution such other particulars as may be considered necessary, the Regional Committee shall,--

(a) If it is satisfied that such recognized institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that if fulfils such other conditions required for proper conduct of the new course or training in teacher education, as may be determined by regulations, pass an order granting

permission, subject to such conditions as may be determined by regulation; or

(b) If it is of the opinion that such institution does not fulfil the requirements laid down in sub-clause 9a), pass an order refusing permission to such institution, for reasons to be recorded in writing.

Provided that before passing an order refusing permission under sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the institution concerned for making a written representation.

(4) Every order granting or refusing permission to a recognized institution for a new course or training in teacher education under sub-section (3), shall be published in the Official Gazette and communicated in writing for appropriate action to such recognized institution and to the concerned examining body, the local authority the State Government and the Central Government."

Section 16 requires a prohibition by the unrecognized courses.

As will appear from Section 32 of the National Council for Teacher Education Act, 1993 that the norms, guidelines and standards have been framed so far a the minimum qualification for the person to be employed as a teacher under Clause (d) of Section 12 and further specified category of course in teacher training under Clause (e) of Section 32 and therefore, the Institution providing the degree of B.T.C. shall be guided by the aforesaid regulations. The said section is quoted below:-.

"32. POWER TO MAKE REGULATIONS.

(1) The Council may, by notification in the Official Gazette, make regulations not inconsistent with the

provisions of this Act and the rules made thereunder, generally to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following mattes, namely:-

(a)

(b)

(c)

(d) the norms, guidelines and standards in respect of-

(i) the minimum qualifications for a person to be employed as a teacher under clause (d) of section 12;

(ii) the specified category of courses or training in teacher education under clause (e) of section 12;

(iii) starting of new courses or training in recognized institutions under clause (f) 0f section 12;

(iv) standards in respect of examinations leading to teacher education qualifications referred to in clause (g) of section12;

(v) the tuition fees and other fees chargeable by institutions under clause (h) of section 12;

(vi) the scheme for various levels of teacher education, and identification of institutions for offering teacher development programmes under clause (1) of section 12;"

Section 32 of the National Counsel for Teacher Education Act has also been relied upon in the judgment of ***State of Maharashtra Vs. Sant Dnyaneshwar Shikshan Shastra Mahavidhyalalay and others 2006 (4) JT SC 2001.*** Relevant observations are quoted below:-

"21. In exercise of the power conferred by Section 32 of the Act, the Council framed Regulations known as the National Council for teacher Education (Form of application for recognition, the time-limit of submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course or training Regulation, 1995. Regulation 5 deals with the manner of making application and Regulation 8 relates to conditions for recognition. Clauses (e), (f) and (g) of Regulation 5 read as under:-

"5. (e) Every Institution intending to offer a course or training in teacher education but was not functioning immediately before 17.8.1995, shall submit application for recognition with a no-objection certificate from the State or Union Territory in which the institution is located.

The State Government shall make available to thue concerned Regional Committee of NCTE its views/recommendations which will be considered by the Regional Committee while taking a decision on the application for recognition."

Standing Counsel has submitted that although Shiksha Visharad has been recognized at Serial No. 56 by the University Grants Commission, but it has not been recognized/affiliated in accordance with Sections, 14, 15 and 16 of the National Council for Teacher Education Act and therefore, Shiksha Visharad cannot be equated to the B.Ed. degree and according to the provisions of National Council for Teacher Education.

In the case of ***Shailendera Kumar (supra)*** the bench was of the opinion that after 1st July, 1995, when the National Council for Teacher Education Act had come into force, they

have to apply for recognition from National Council For Teacher Education. The said observations are quoted below:-

"13. From a reading of the aforementioned provisions it is seen that after the NCTE Act come into force on 1.7.1995, all institutions which want to start any course in or training in teacher education, have to apply and get recognition from the National Council for Teacher Education. Even a recognized institution which intends to start a new course or training in teacher education has to get recognition for the said course. Not only this, any institution which is offering a course or training I teacher education before the commencement of the NCTE Act is enjoined to apply for recognition of such course or training within six months from the appointed day, i.e. 1.7.1995, and if an application has been made, entitled to continue with the course or training till the disposal of the application by the Regional Committee. If the course or training in teacher education run by an institution is not recognized then the examining body has been prohibited from granting affiliation to the institution concerned and/or holding examination of such course or training. Any qualification obtained from an unrecognized institution or if the course or training is unrecognized then it is treated to be not a valid qualification for purpose of employment under the Central and the State Governments or in any school, college or other educational body aided by the Central Government or any State Government.

14. The provisions of the NCTE Act came up for consideration before a Division Bench of this Court in the case of Upendra Rai v. State of U.P. and others, (2000) 2 UPLBEC 1340, wherein it has been held as follows:-

"3. So far as National Council for Teacher Education Act, 1993 is concerned it was enacted as stated supra, to provide for the establishment of a National Council for Teacher Education with a view to accomplishing planned and coordinated development for teachers education system throughout the country and regulation and proper maintenance of norms and standards in the teachers education system...."

This Court had further held---

"4. The "teacher education" as defined in Section 2 (1) of the Central Act means programmes of education, research or training of persons for equipping them to teach at pre-primary, primary, secondary and senior secondary stages in schools and includes non-formal education, part-time education, adult education and correspondence education. Section 12 of the Central Act enumerates the functions of the National Council for Teacher Education as established under sub-section (1) Section 3 of the Act. The functions enumerated in Section 12 inter alia include : (a) laying down guidelines in respect of minimum qualification for a person employed as a teacher ion schools or in recognized institutions, (b) laying down norms the Fundamental Rules any specified category of courses or training, in teacher education, including the minimum eligibility criteria for admission thereof, and the method of selection of candidates, duration of the course, course contents and mode of curriculum; and (c) formulation of schemes for various levels of teacher education and identify recognized institutions and set up new institutions for teacher development programmes. Section 14 of the Act enjoins upon every institution offering or intending to offer course or training in teacher education to make an application to the Regional Committee for grant of

recognition. Section 15 requires prior permission of the Regional Committee as a condition precedent to starting any new course or training in teacher education by any recognition institution and according to Section 16 which has an overriding effect as the expressions 'notwithstanding anything contained in any other law for the time being in force;' suggest no examining body shall, on or after the appointed day, grant affiliation, whether provisions of otherwise to any institution or hold examination, whether provisional or otherwise, for a course or training conducted by a recognized institution unless the institution concerned has obtained recognition from the Regional Committee concerned, under Section 14 of permission for a course of training under Section 15 Section 17 provides for withdrawal of recognition or where an institution offering course or training in teacher education immediately before the appointed day, fails or neglects to obtain recognition or permission under this Act, the qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government or "any State Government" This necessarily implies that qualification in teacher education obtained from an institution duly recognized under the provisions of the Act, would be treated as a valid qualification for purposes of appointment in Schools and Colleges or other educational body aided by the Central Government or any other State Government. Regard being had to the purpose and object sought to be achieved by the Act as also the provisions thereunder as discussed above, we are persuaded to the view that the person having obtained the qualification in teacher, education from a recognized

institution would be qualified for being considered in any school, college or other educational body aided by the Central Government or any State Government."

In the aforesaid judgment, reliance has also been placed on the case of ***Union of India and others Vs. Shri Goverdhan L, Kabra Teachers' College, (2002) 8 SCC 228,*** where the N.C.T.E has been recognized to be an apex body:-

"11. …..NCTE is an expert body created under the provisions of the National Council for Teacher Education Act, 1993 and Parliament has imposed upon such expert body the duty to maintain the standards of education, particularly, in relation to teachers' education. Education is the backbone o;f ever democracy and any deterioration in the standard of teachi in the B.Ed. Course would ultimately produce sub-standard prospective teachers who would be teaching in schools and colleges throughout the country and on whose efficiency the future of the country depends,. Inasmuch as the teacher himself has received a sub-standard education it is difficult to expect from him a higher standard of teaching to the students of the school or other institutions."

In ***National Council for Teacher Education v. Committee of Management 2006 AIR SCW 1333,*** it has been held as under:-

"18. We may notice that a Division Bench of this Court in Krishsamy Reddiar Educational Trust v. Member Secretary, National Council for Teacher Education and another, reported in (2005) 4 SCC 89, opined that:

"It was submitted that in the present matters, all the appellants were applying for the first time and as such they were required to follow the Regulations in force, operative and applicable to fresh applications. In such cases, Notes (1)

and (2) of Appendix 1-B (list of essential documents) will apply. Notes (1) and (2) read thus:

"(1) If the application is found incomplete i.e. with all the essential documents, the institution may be asked to make good deficiencies in the application on or before the last date prescribed in the Regulations.

(2) In the even when deficiencies in an application get removed only after the last date, the application of the institution shall be carried forward by the Regional Committee for consideration for the subsequent academic year i.e. for the course that would be offered one year later."

In our view, the respondents are right in submitting that there was delay on the part of the appellants. In all the three cases, applications were submitted without NOC from the state Government. I thas come on record that NOC was applied for belatedly. The State Government could not be blamed for not taking a decision on the applications of the appellants as under Regulation 6 as amended in 2003, it was required to dispose of such applications within six months of the last date of receipt of applications. Even prior to the amended Regulation 6, it was expected to take decision within "reasonable time" (four months) as held in St. Johns Teachers Training Institute. As the appellants applied for NOC in the last week of October, 2003, they cannot make compliant that the State Government delayed the matter. Admittedly, NOCs wer submitted to the respondent after the last date of application,. If in the above facts and circumstances, recognition has been granted by the respondent on 28-10-2004 by imposing a condition that it would be operative from academic year 2005-2006, it cannot be said that the respondent had acted illegally, arbitrarily or otherwise unreasonably."

21. Before parting with this case, we may place on record that it is categorically stated before us by Mr. Raju Ramachandran that the Council carried forward the application of the Institution for consideration of the subsequent academic year. An inspection has already been carried out and the eligibility of the first respondent to obtain such recognition shall be determined within a period of eight weeks from date. We place on record the aforementioned submissions of the learned senior counsel appearing on behalf of the appellant."

Counsel for the petitioners have also referred the order passed by the appellate Authority of National Council for Teacher Education dated 27th February, 2001, where the order has been passed to the following effect:-

"WHEREAS the Northern Regional Committee, National Council for Teacher Education, Jaipur in its Order No. 4-3/UP/129/2000/8207 dated the 3rd October, 2000 (herinafter referred to as the Order) refused recognition to Hibndi Sahitya Sammelan, Prayag, Allahabad -211 003, Uttar Pradesh for conducting Shiksha Visharad Course on thue grounds that (i) the institution has not been authorized either by the Govt. of India or Govt. of U.P. for conducting this Course; and (ii) as per NCTE norms B.Ed. Course can be conducted either through face to face mode or distance education mode only and the institution's Course is not in accordance with either of the NCTE norms.

AND WHEREAS the Principal, Hindi Sahitya Sammelan, Allahabad (hereinafter referred to as the Appellant) preferred an appeal dated the 25th November, 2000 to the National Council for Teacher Education, New Delhi hereinafter referred to as the Council) under Section 18

of thue NCTE Act, 1993 against the said Order refusing recognition.

AND WHEREAS Shri Radheyshyam Pandey, presented the case of the appellant institution on the 16th January, 2001. In the appeal and personal presentation it was submitted that the institution has been conducting Shiksha Visharad examinations since 1936 in order to prepare language teachers in non Hindi speaking areas of the country and this course got recognition form various State Govts. It has been clarified by the representative that the Hindi Sahitya Sammelan does not conduct any teacher training course and it only conducts examinations through various centers in the country.

AND WHEREAS the functions of Hindi Sahiya Sammelan Act, 1962, are inter alia as under:-

To arrange for the holding of examinations through the medium of Hindi language and to confer degrees, diplomas and other academic distinctions'

To establish and maintain schools, colleges and other institutions for instruction in Hindi Language and Hindi literature and also to affiliate schools, colleges and other institutions for its examinations.

AND WHEREAS the provisions of NCTE Act did not envisage for grant of recognition to affiliating / examining bodies for conduct of examinations and award of degrees/diplomas. NCTE Act requires recognition by NCTE for institutions running teacher training courses. Ion these circumstances, the Hindi Sahitya Sammelan is not required to seek recognition form NCTE for conducting examination for Sahitya Visharad Course.

In view of the above, Shiksha Visharad although has been recognized to be a degree equivalent to B.Ed. and also

found place at Serial No. 56 in the University Grants Commission, but the same is subject to the institution having obtained the recognition and affiliation as required under Section 14 of the N.C.T.E. Act but the Institution concerned has to apply for recognition as required under Section 14 of the Act, before the degree can be recognized.

The aforesaid order of the appellate authority is also clear, which provides to the following effect:-

"However, for the institutes maintained by the Hindi Sahitya Sammelan or the institution affiliated to it and conducting the teacher training courses, separate individual applications have to be submitted by the said institutions to the concerned Regional Committee."

The eligibility of the institution to grant the degree of Shiksha Visharad depends on the National Council for Teacher Education as contained in ***N.C.T.E. Vs. Committee of Management 2006 AIR SCW 1333.***

Sri Sudhir Singh, Advocate for the National Council for Teacher Education has orally submitted that NCTE has been established under an Act of Parliament on August, 17th 1995 and has become empowered to recognize teacher education institution from the session 1996-1997 and therefore, the candidates, who have been awarded degree diploma certificate etc. prior to this date by Universities / State Govt. may be got verified from the concerned University/State Govt. or association of Indian University.

In view of the above, the petitioner having obtained the degree of Shiksha Visharad after the year, 1995 is not entitled for any relief unless the institution itself is recognized by the National Council for Teacher Education and the same is verified from the concerned University/State Govt. or by the appropriate authority as the case may be.

Subject to above observations with regard to recognition and verification, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

07.07.2006
Rathour